

## **DECISION RECORD**

### **Hycroft Mine Facilities Expansion Environmental Assessment DOI-BLM-NV-W030-2013-0003-EA**

#### **Introduction**

The Bureau of Land Management (BLM), Winnemucca District (WD), Black Rock Field Office (BRFO) has completed the Hycroft Mine Facilities Expansion Environmental Assessment (EA), DOI-BLM-NV-W030-2013-0003-EA. The EA analyzes the impacts associated with Hycroft Resources Development, Inc. (Hycroft) proposal to expand its mining related facilities in Humboldt and Pershing Counties, Nevada, 55 miles south of Winnemucca. The Project is comprised of three main components located within three interconnected project areas as described below.

#### Mine Project Area

The existing Hycroft Mine is located on public land administered by the BLM, and private land controlled by HRDI in Humboldt and Pershing Counties, Nevada. In 2012, the BLM prepared an Environmental Impact Statement (EIS) that analyzed the expansion of the mine boundary (BLM 2012a). All of the proposed new mine infrastructure and processing facilities are located within the authorized 14,753-acre mine boundary in Township 34 North, Range 29 East (T34N, R29E) in all or portions of sections 1-5, 9-12, and 14; T34N, R30E, in a portion of section 6, T35N, R29E, in all or portions of sections 12-14, 22-27, and 33-36; and T35N, R30E in all or portions of sections 7, 16-21, and 28-32, Mount Diablo Base & Meridian (MDB&M).

#### Well Field Project Area

The proposed well field and ancillary facilities would be constructed within an area measuring approximately 3,900 acres and located entirely on BLM-administered public lands in T34N, R28E, in all or portions of sections 1-2 and 11-13, T34N, R29E, in all or portions of sections 5-7 and 18, T35N, R28E, in all or portions of sections 35-36, and T35N, R29E, in a portion of section 31, MDB&M.

#### Powerline Project Area

The alignment for the proposed 120 kV powerline component of the Project measures approximately 54 miles and extends from where the existing line crosses Interstate 80 near Mill City, Nevada to the Hycroft Mine. The line would run north for approximately 22 miles after crossing Interstate 80 and the Humboldt River and then turn west at the intersection with Jungo Road and parallel Jungo Road for approximately 32 miles until termination on private land within the Mine Project Area. The powerline alignment transects all or portions of T35N, R29E through R35E; T34N, R35E; T33N, R35E; and T33N, R34E. The project area for this component is defined as a 300-foot corridor along the route which equates to approximately 1975 acres.

#### **DECISION**

Based on the Hycroft Mine Facilities Expansion Environmental Assessment (EA), DOI-BLM-NV-W030-2013-0003-EA, and the enclosed Finding of No Significant Impact (FONSI), it is my decision to select the proposed action alternative, subject to implementation of all mitigation recommended in the EA for the proposed action (enclosed) and with the understanding that any authorization of this action will include these mitigations as conditions of approval. This decision is made with the understanding that all applicant-committed environmental protection measures (enclosed, including the 2012 Hycroft Mine Expansion Project ROD) will be implemented as well.

## **Rationale**

Selection of the Proposed Action is based on factors including, but not limited to:

- Authority for this decision as it relates to the BLM-managed public lands is contained in the Mining Law of May 10, 1872, as amended (17 Stat. 91), the Surface Resources Act of 1955 (30 United States Code (U.S.C.) 611-614), the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1701 et seq.), and the Code of Federal Regulations (CFR) at 43 CFR 3809 and 43 CFR 3715.
- The Proposed Action is in conformance with the applicable Winnemucca District land use plans.
- The Memorandum of Agreement, implementing the treatment plan, is signed by BLM, Nevada SHPO, and HRDI. The treatment plan addresses the potentially adverse effects involving impacts to historic Jungo Road associated with the well field development and impacts to eleven National Register eligible sites including an additional segment of historic Jungo Road and five segments of the historic California Trail associated with the 120 kV powerline.
- Based on the consultation, coordination, and public involvement that has occurred, it is determined that this is a well informed decision (refer to sections below).
- Based on the EA, and subject to implementation of all mitigation recommended in the EA, it is determined that this decision will not result in any unnecessary or undue environmental degradation of public lands and is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions.
- The selected alternative and application of recommended mitigation will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources.
- The EA and FONSI support this decision.
- Based on the President's National Energy Policy and Executive Order 13212, the proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required per WO IM No 2002-053 and NV IM 2002-049.

## **Land Use Plan Conformance**

The Proposed Action is in conformance with the approved Paradise-Denio and Sonoma-Gerlach Management Framework Plans (1982) and is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions.

### **Native American Consultation**

Native American consultation for this project involved sending letters and subsequently, the preliminary EA, to the Summit Lake Paiute Tribe, Fort McDermitt Paiute and Shoshone Tribe and the Pyramid Lake Paiute Tribe. The Fort McDermitt Paiute and Shoshone Tribe was an active participant in the consultation process for this project. In addition, the Fort McDermitt Paiute and Shoshone Tribe and the Pyramid Lake Tribe were sent the draft Treatment Plan for review on July 23, 2014. No comments or requests for consultation have been received as of August 26, 2014.

Meetings with Tribes			
Meeting Date	Agency	Tribe	Topic
April 15, 2013	BLM	Fort McDermitt Paiute and Shoshone	Visual Simulations
June 25, 2014	BLM	Fort McDermitt Paiute and Shoshone	Treatment Plan

### **Cooperating Agencies**

The cooperating agency relationships established during this project facilitated the exchange of views and expertise between BLM personnel and other government officials and staff. The BLM formalized cooperating agency relationships with two governmental parties: The Nevada Department of Wildlife and Humboldt County.

### **Intergovernmental Partners**

Under the Federal Land Policy and Management Act (FLPMA) of 1976, the BLM's coordination responsibilities include maximizing consistencies with the plans and policies of other government entities.

#### Federal Government Agencies

National Park Service

United States Fish and Wildlife Service

#### State Government Agencies

Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation

Nevada Department of Wildlife

Nevada Natural Heritage Program

### **Public Involvement**

#### *Scoping*

The BLM initiated public scoping on December 18, 2012, with the release of a Dear Interested Party letter for the Plan Amendment and the well field ROW application. The BLM requested comments be submitted within 30 days of the letter notification (January 17, 2013). The BLM released an additional Dear Interested Party letter on April 12, 2013, which added a description of the proposed 120 kV powerline component of the Project. This letter extended the public scoping period to May 13, 2013. The reader should refer to Section 1.5 regarding internal and external scoping.

During the process of developing the EA, BLM coordinated with Trails West and the Oregon and California Trails Association. After discussions with members of these two public interest groups, additional design measures were incorporated into the proposed action including using paint colors for the well houses, well house fencing and exposed piping that blend with the surroundings to reduce visual impacts. Other design features that minimize the visual impacts include use of wooden power poles, non-reflective wires whenever possible, and minimizing the amount of disturbance for well pads while ensuring workers safety. Night lighting would be limited by the presence of switches at well houses for use only when needed.

*Preliminary Environmental Assessment*

On July 1, 2014, the Preliminary EA was posted on the Winnemucca District Office NEPA webpage for a 30-day public review. In addition, BLM sent out a letter to interested parties requesting substantive comments on the Preliminary EA be submitted within 30 days of the date of the letter. In response, BLM received three comment letters from local government and state agencies.

The State of Nevada reaffirmed its state permitting requirements with regard to drinking water and mining-related uses of water in two separate comments made through the Nevada State Clearinghouse. Also through the Nevada State Clearinghouse, the Nevada Division of State Lands stressed its desire for effective lighting plans that follow “night sky” lighting practices as well as the utilization of building materials, colors and site placement that are compatible with the natural environment. These environmental concerns have been addressed in the document in several locations as follows:

Under the proposed action, environmental protection measures section, the document states, “HRDI would continue to implement the environmental protection measures included in the ROD and Plan of Operations approval for the EIS (BLM 2012b). These measures include both applicant-committed measures and additional mitigation measures and stipulations identified during the EIS process to reduce impacts. The ROD has been included for reference in Appendix A of this EA.”

In the EA Appendix A lighting section, the document states, “HRDI would utilize screening on proposed stationary lights and light plants. Lighting would be directed onto the pertinent site only and away from adjacent areas not in use with safety and proper lighting of the active work areas being the primary goal. Lighting fixtures would be hooded and shielded as appropriate. The Proposed Action would also modify or retrofit the existing lighting facilities. HRDI would utilize the lighting measures provided in the Hycroft Mine Lighting Management Plan (HRDI 2011 a), which are designed to reduce the impacts to night skies.”

As described under the proposed action in Chapter 2 (p2-3), the buildings and tanks at the rail yard would be painted with BLM-approved colors to decrease visual contrast with the surrounding area. The final lighting design in the rail spur area would conform to HRDI’s authorized Lighting Management Plan document (Monrad 2013).

The document states under the description of the well field portion of the proposed action on p2-13, “Pump houses and the fences surrounding them would be painted with a BLM-approved color to minimize visual impacts. A small surge tank (four feet in diameter) may be utilized at some of the pump houses. Lighting at each pump house would be designed and installed in accordance with the approved Hycroft Mine Lighting Management Plan (Monrad 2013). Lights at each pump house would be controlled via a switch and only used when activity was occurring at the well site.”

The document also states under the description of the well field portion of the proposed action on p2-13, that wires on powerpoles would be non-reflective in nature whenever possible and wooden powerpole structures would be used.

A letter of support was received from the local government of Pershing County.

None of the public comments necessitated changes to the EA. Based on internal review of the document, minor revisions were made to the cultural resources, soil, Native American Religious Concerns, and the environmental measures with regard to wildland fire. Updates were also made to the consultation and public involvement sections of the EA.

#### **Authority**

The authority for this decision is contained in the Mining Law of May 10, 1872, as amended (17 Stat. 91), the Surface Resources Act of 1955 (30 United States Code (U.S.C.) 611-614), the Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and the Code of Federal Regulations (CFRs) at 43 CFR 2800, 3715 and 3809.

#### **Appeal Provisions**

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to William Mack Jr., Black Rock Field Manager, Winnemucca District Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Enclosed Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- 4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

\s\ William Mack Jr.  
William Mack Jr.  
Black Rock Field Manager  
Winnemucca District

01/02/15  
Date

Enclosures